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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,432	12/03/2003	Kemal Guler	200313474-1	5813
22879	7590	05/09/2006	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			DUNHAM, JASON B	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/726,432	Applicant(s) GULER ET AL.	
	Examiner Jason B. Dunham	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the figures are numbered in incorrect order. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

Claims 1-5 and 12-17 make reference to multiple statutory classes of invention. A claim that purports to be within multiple statutory classes is ambiguous and is properly rejected under U.S.C. 112, second paragraph, for failing to particularly point out and distinctly claim the invention (see Ex Parte Lyell). The examiner notes that claims 1-5 are interpreted as method claims and claims 12-17 are interpreted as apparatus claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hammond (U.S. Patent Application Publication No. 2002/0082977).

Referring to claim 1. Hammond discloses a method comprising:

- Providing information regarding an online auction to a computer system (Hammond: figure 1); and
- Predicting, by a software program executing on the computer system, an auction outcome for each of a plurality of potential feedback rules for the online auction (Hammond: abstract & paragraphs 59 & 117).

Referring to claim 2. Hammond further discloses a method comprising:

- Providing, by the software program, predicted auction outcomes for each of the plurality of potential feedback rules (Hammond: abstract); and
- Allowing an auction end-user to select a feedback rule to implement from the plurality of potential feedback rules based on the predicted auction outcomes (Hammond: paragraph 100 & figure 4).

Referring to claim 3. Hammond further discloses a method comprising:

- Ranking, by the software program, each of the plurality of potential feedback rules based on the predicted outcomes (Hammond: paragraphs 14 & 128-136); and
- Providing the ranking to auction end-user (Hammond: paragraph 14).

Referring to claim 4. Hammond further discloses a method wherein predicting comprises modeling an outcome for each of the plurality of potential feedback rules (Hammond: abstract).

Referring to claim 5. Hammond further discloses a method wherein modeling the outcome for each of the plurality of potential feedback rules comprises calculating a statistical distribution of possible outcomes for each of the plurality of potential feedback rules (Hammond: abstract).

Referring to claims 6 – 9. Claims 6-9 are rejected under the same rationale set forth above. Hammond discloses a system as described in claims 6-9.

Referring to claim 10. Hammond further discloses a system wherein the processor predicts a final outcome for each of the plurality of feedback rules (Hammond: paragraph 59).

Referring to claim 11. Claim 11 is rejected under the same rationale set forth above.

Referring to claim 12. Hammond further discloses a computer readable media storing instructions executable by a computer system, and when executed the instructions implement a method comprising:

- Accepting parameters of an online auction from an auction end-user (Hammond: paragraphs 59 & 78);
- Modeling, for each of a plurality of feedback rules, an auction outcome using, at least in part, the parameters supplied by the auction end-user (Hammond: abstract & paragraphs 59 & 78); and
- Holding an online auction based on the parameters of the online auction and using one of the plurality of feedback rules selected based on the modeling (Hammond: figure 1).

Referring to claim 13. Hammond further discloses a computer readable media wherein holding the online auction comprises holding an online auction using of the plurality of feedback rules selected by the instructions executed by the computer program based on the modeling (Hammond: abstract & figure 1).

Referring to claim 14. Hammond further discloses a computer readable media wherein holding the online auction comprises holding an online auction using of the plurality of feedback rules selected by the auction end-user after being provided the results of the modeling (Hammond: paragraph 100 & figure 4).

Referring to claims 15-20. Claims 15-20 are rejected under the same rationale set forth above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Zhang (U.S. Patent Application Publication No. 2003/0014346) discloses a system and method for auction based simulation to extract demand curve.
- Jin (U.S. Patent Application Publication No. 2005/0033648) discloses a system and method for optimizing return based on business rules using different parameters values.
- Staib (U.S. Patent Application Publication No. 2006/0085321) discloses a system and method for simulating an auction for public offerings.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason B. Dunham whose telephone number is 571-272-8109. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JBD
Patent Examiner
5/8/06

Jason B. Dunham
Primary Examiner